

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number _____

Env-A 502.01(a), Env-A 503.01(at)-(ay),
Env-A 505.01(an)

1. Agency Name & Address:

Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. RSA Authority:

RSA 125-C:4, I(a)

3. Federal Authority:

42 U.S.C. §§7411(c), 7412(l)

4. Type of Action:

Adoption _____

Amendment **X** _____

Repeal _____

Readoption _____

Readoption w/amendment _____

5. Short Title: Hazardous Air Pollutants, Federal Standards Update

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rule incorporates by reference federal new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP), which the Department is authorized to implement and enforce through a delegation agreement with the U.S. Environmental Protection Agency (EPA). Each year, the Department incorporates the new standards and amendments of existing standards that EPA promulgated in the last year. From July 1, 2006 to July 1, 2008, EPA promulgated 3 new NSPS under 40 CFR 60. The proposed amendments incorporate by reference these new standards and change the edition of the Code of Federal Regulations referenced in the rule from July 1, 2006, to July 1, 2008. In addition, the Department is proposing to add back the NESHAP for municipal solid waste landfills, which was inadvertently omitted from later versions of Env-A 500 after it was adopted in 2004.

6. (b) Brief description of the groups affected:

The proposed amendments to Env-A 500 will incorporate by reference federal standards that apply to owners and operators of Stationary Compression Ignition Internal Combustion Engines, Stationary Spark Ignition Internal Combustion Engines, Stationary Combustion Turbines, and Municipal Solid Waste Landfills.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State or Federal Statute or Regulation Implemented
Env-A 502.01(a)	RSA 125-C:4, I(a); 42 U.S.C §7411(c); 40 CFR 60; 42 U.S.C. §7412(I); 40 CFR 61; 40 CFR 63
Env-A 503.01(at) - (ay)	RSA 125-C:4, I(a); 42 U.S.C. §7411(c); 40 CFR 60
Env-A 505.01(an)	RSA 125-C:4, I(a); 42 U.S.C. §7412(I); 40 CFR 63

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Joanne Morin	Title:	Technical Programs Manager
Address:	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-5552
		Fax#:	(603) 271-1370
		E-mail:	Joanne.morin@des.nh.gov

The rules also can be viewed in PDF at
<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **May, 8, 2009, at 4 p.m.**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **April 28, 2009, at 9:00 a.m.**

Place: **DES offices, Room 110, 29 Hazen Drive, Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:040 , dated 3/20/09

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not create, expand, or modify any program or responsibility in such a way as to necessitate additional local expenditures by political subdivisions. The rules thus do not violate Part I, Article 28-a of the New Hampshire Constitution.